

REMARKS

Allowable Claims

Applicants wish to thank the Examiner for indicating that original claims 14-20 and 27 would be allowable if rewritten in independent form to include the features of the base claim and any intervening claims.

Accordingly, Applicants have rewritten claim 14 as new claim 28. In addition, Applicants have revised the dependency of claims 15-20 and 24 to depend on new claim 28.

Accordingly, Applicants respectfully submit that claims 15-20, 24 and 28 are now in condition for allowance.

The Section 102 Rejections

Original claims 1-5, 7-13 and 21-26 were rejected under 35 U.S.C. §102(e) as being anticipated by Hall et al., U.S. Patent No. 6,438,383 ("Hall"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicants note that new claims 29 and 30 substantially include the subject matter of original claims 2 and 8, respectively. In essence then, the Section 102 rejections will be dealt with with respect to claims 3-7, 9-13, 21-23 and new claims 29 and 30.

Of these claims, claims 21, 29 and 30 are independent claims and it is to these claims that Applicants will address their comments.

Claim 29, and any claims which depend therefrom, requires that a paging request be initiated from a home agent and directed to at least one base

station in the paging area of a mobile host. Claim 30, and any claims which depend therefrom, requires that data as addressed to a mobile host and a home agent be tunneled from the home agent to a designated foreign agent. Claim 21 requires either the home agent initiation of claim 29 or the tunneling of claim 30. Applicants respectfully submit that Hall does not disclose or suggest the direction of a paging request from a home agent to at least one base station in the paging area of a mobile host or the tunneling of data from a home agent to a designated foreign agent as required by claims 3-7, 9-13, 21-23, 29 and 30.

Instead, Hall appears to disclose the sending of a first message to all cells within the paging area of a packet data node (PDN); not to a base station within the paging area of the mobile host. In addition, if an acknowledgement to such a first message is not received, Hall appears to disclose the sending of a second message to those cells which have received updates from a mobile host.

Thus, instead of a paging request being sent to a base station within the paging area of mobile host, it is sent to all cells within a paging area of a packet data node. Further, instead of tunneling data intended for a mobile host to a foreign agent, if Hall's first message fails, Hall requires the sending of a second message to cells which have been updated by the mobile host; i.e., there is no tunneling of data to a foreign agent as required by the claims of the present invention.

Accordingly, Applicants respectfully submit that Hall does not disclose each and every feature of the claims of the present invention and therefore, cannot anticipate the claims of the present invention.

Applicants respectfully request withdrawal of the pending rejections and allowance of claims 3-7, 9-13, 21-23, 29 and 30.

The Section 103 Rejection

Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hall in combination with the Examiner's personal knowledge.

Initially, Applicants point out that claim 6 is now dependent upon claim 29. Because of this dependency, Applicants respectfully submit that claim 6 is also patentable over Hall for the reasons set forth above.

Additionally, Applicants note that the combination of Hall with the Examiner's bare personal knowledge in rejecting claim 6 is impermissible. To reject claims based on personal knowledge, the Examiner is required to set forth specific factual statements, and explanations for such a finding, in an affidavit or declaration (MPEP 2144.03(c)). Because the Examiner has not done so, Applicants respectfully submit that the Section 103 rejection is impermissible.

Accordingly, Applicants respectfully request withdrawal of the pending rejection and allowance of claim 6.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

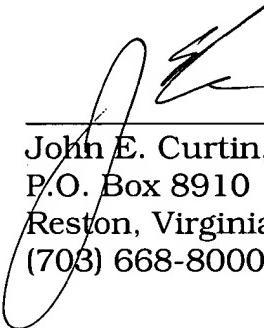
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


John E. Curtin, Reg. No. 37,602
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

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